

## **Executive Summary**

### **R657-41. Conservation and Sportsmen Permits. (MULTI- YEAR VERSION)**

This rule: 1) establishes the standards and procedures for issuing sportsmen permits, 2) establishes the standards and procedures for issuing conservation permits to conservation organizations, which are then sold at auctions, or used as aid to wildlife related fund raising activities, and 3) defines the procedure for how revenue derived from conservation permits may be used to benefit wildlife.

The proposed revisions to this rule: 1) define Conservation Permit Species, 2) define Multi-Year Conservation Permit, 3) define Single Year Conservation Permit, 4) address concerns over allocation of conservation permits to improve compliance to state bidding laws, 5) address concerns over conservation permits being distributed in a raffle or lottery, 6) adjust the split of revenue generated from the sale of conservation permits from 30/70 to 45/55 [45% of the total permit revenue returned to the Division and 55% retained by the conservation organization (10% of which may be used for administrative costs and 45% to use used on eligible projects)], 7) create a section to define eligibility requirements that must be met by conservation organizations in order to market and sell, or use conservation permits as aids in wildlife related fund raising activities, 8) make a distinction between single year and multi-year conservation permits and separately define how each type is allocated, 9) clarify the list of eligible projects conservation organization may allocate revenue generated from conservation permits to, 10) remove sandhill crane from the list of available sportsman permits, 11) allow individuals to obtain more than one conservation permit for turkey per year, and 12) make technical corrections.

## **R657. Natural Resources, Wildlife Resources.**

### **R657-41. Conservation and Sportsman Permits. (MULTI-YEAR VERSION)**

#### **R657-41-1. Purpose and Authority.**

(1) Under the authority of Section 23-14-18 and 23-14-19, this rule provides the standards and procedures for issuing:

(a) conservation permits to conservation organizations for sale at an auction, or for use as an aid to wildlife related fund raising activities; and

(b) sportsman permits.

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-~~[5(4)]~~ 9(4) and R657-41-~~[5(5)(b)]~~ 9(5)(b) for the benefit of the species for which the permit is issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

#### **R657-41-2. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Area Conservation Permit" means a permit issued for a specific unit or hunt area for a ~~[specific]~~ conservation permit species, and may include an extended season, or legal weapon choice, or both, beyond the ~~[general]~~ season except turkey permits are valid during any season option.

(i) Area Conservation permits issued for limited entry units are not valid on cooperative wildlife management units~~], and Area Conservation permits issued for general season hunt areas are not valid on cooperative wildlife management units or limited entry units].~~

(b) "Conservation Organization" means a nonprofit chartered institution, foundation, or association founded for the purpose of promoting wildlife conservation and has established tax exempt status under Internal Revenue Code, Section 501C-3 as amended.

(c) "Conservation Permit" means any harvest permit authorized by the Wildlife Board and issued by the division for purposes identified in Section R657-41-1~~[(2)].~~

~~[(d)]~~(d) "Conservation Permit Species" means the species for which conservation permits may be issued and includes deer, elk, pronghorn, moose, bison, Rocky Mountain goat, Rocky Mountain bighorn sheep, desert bighorn sheep, wild turkey, cougar, and black bear.

(e) "Multi-Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-7 for three consecutive years to sell, market or otherwise use as an aid in wildlife related fund raising activities.

(f) "Retained Revenue" means 45% of the revenue raised by a conservation organizations from the sale of conservation permits that the organization retains for eligible projects, excluding interest earned thereon.

(g) "Sportsman Permit" means a permit which allows a permittee to hunt during the applicable season dates specified in Subsection ~~[(e)]~~(g), and which is authorized by the Wildlife Board and issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(h) "Single Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-6 for one year to sell, market or otherwise use as an aid in wildlife related fund raising activities.

~~(i)(e)~~ "Statewide Conservation Permit" means a permit [which] issued for a conservation permit species that allows a permittee to hunt:

(i) big game species on any open unit with archery equipment during the general archery season published in the big game proclamation for the unit beginning before September 1, and with any weapon from September 1 through December 31, except pronghorn and moose from September 1 through November 15 and deer and elk from September 1 through January 15;

~~[(ii)](ii)~~ one Merriam and one Rio Grand turkey on any open unit from April 1 through May 31;

~~[(iii)] any other small game species on any open unit during the season authorized by the Wildlife Board;~~

(iv) bear on any open unit during the season authorized by the Wildlife Board for that unit;

(v) cougar on any open unit during the season authorized by the Wildlife Board for that unit and during the season dates authorized by the Wildlife Board on any harvest objective unit that has been closed by meeting its objective; and

(vi) Antelope Island is not an open unit for hunting any species of wildlife authorized by a conservation or sportsman permit.

### **R657-41-3. ~~[Method for]~~ Determining the Number of Conservation and Sportsman Permits.**

(1) The number of conservation permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, and distribution to protect the long-term health of the population;

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) the potential revenue that will support protection and enhancement of the species.

(2) ~~[One]~~ Two statewide conservation permits may be authorized for deer and elk and one statewide conservation permit may be authorized for [each species for which limited permits are available] the remaining conservation permit species, except that a second statewide conservation permit for a species may be authorized for a special event or fund raising activity held in Utah. However, no more than two statewide conservation permits may be issued for any conservation permit species in a single hunting season.

(3) A limited number of area conservation permits may be authorized[~~, with~~] as follows:

(a) a maximum of 10% of the permits for any hunt area or combination of hunt areas for Rocky Mountain bighorn sheep and desert bighorn sheep;

(b) a maximum of 5% of the permits or four permits, whichever is less, for any unit or hunt area for turkey; and

(c) a maximum of 5% of the permits or eight permits, whichever is less, for any unit or hunt area, ~~[unless a higher number is specifically authorized by the Wildlife Board.]~~ for the remaining conservation permit species.

(4) The number of conservation and sportsman permits available for use ~~[during the following year]~~ will be determined by the Wildlife Board ~~[annually]~~.

(5) Area ~~[Conservation]~~ conservation permits shall be deducted from the number of public drawing permits.

(6) One sportsman permit may be authorized for each statewide conservation permit authorized.

(7) All area conservation permits are eligible as multi-year permits except that the division may designate some area conservation permits as single year permits based on the applications received for single year permits.

(8) All statewide permits will be multi-year permits except for a second statewide permit issued for a special event will be issued for one year.

#### **R657-41-4. Eligibility for [Obtaining] Conservation Permits.**

(1) Statewide and area conservation permits may be awarded to eligible conservation organizations to market and sell, or to use as an aid in wildlife related fund raising activities.

(2) ~~[(a)]~~ To be eligible for multi-year conservation permits, a conservation organization must have generated in conservation permit sales during the previous three year period at least one percent of the total revenue generated by all conservation organizations in conservation permit sales during the same period. Conservation organizations eligible for multi-year permits may not apply for single year permits, and conservation organizations ineligible for multi-year permits may only apply for single year permits.

(3) Conservation organizations applying for single year permits may not:

(a) bid for or obtain conservation permits if any employee, officer, or board of director member of the conservation organization is an employee, officer, or board of director member of any other conservation organization that is submitting a bid for single year conservation permits; or

(b) enter into any pre-bidding discussions, understandings or agreements with any other conservation organization submitting a bid for conservation permits regarding:

(i) which permits will be sought by a bidder;

(ii) what amounts will be bid for any permits; or

(iii) trading, exchanging, or transferring any permits after permits are awarded.

#### **R657-41-5. Applying for Conservation Permits.**

(1)(a) Conservation organizations may apply for conservation permits by sending an application to the division ~~[for each permit requested]~~.

(b) Only one application per conservation organization may be submitted. Multiple chapters of the same conservation organization may not apply individually.

(c) Conservation organizations may apply for single year conservation permits or multi-year conservation permits. They may not apply for both types of conservation permits.

(2)~~(3)~~ The application must be submitted to the division by September 1 to be considered for the following year's conservation permits. Each application must include:

- (a) the name, address and telephone number of the conservation organization;
- (b) a copy of the conservation organization's mission statement;
- (c) verification of the conservation organization's tax exempt status under Internal Revenue Code, Section 501C-3 as amended; and
- (d) the name of the president or other individual responsible for the administrative operations of the conservation organization;

(3) If applying for single year conservation permits, a conservation organization must also include in its application:

(a) the proposed bid amount for each permit requested. The proposed bid amount is the revenue the organization anticipates to be raised from a permit through auction or other lawful fund raising activity.

(b) certification that there are no conflicts of interest or collusion in submitting bids as prohibited in R657-41-4(3);

(c) acknowledgement that the conservation organization recognizes that falsely certifying the absence of collusion may result in cancellation of permits, disqualification from bidding for five years or more, and the filing of criminal charges;

(d) evidence that the application and bid has been reviewed and approved by the board of directors of the bidding conservation.

(e) the type of permit, and the species for which the permit is requested; and

(f) any requested variances for an extended season or legal weapon choice for area conservation permits.

(4) ~~An application that~~~~(a) Conservation organizations must further include in their applications the proposed bid amount for each permit. The proposed bid amount is the revenue the organization anticipates to be raised from a permit through auction or other lawful fund raising activity. The recommended minimum permit bid amount is listed in Table 1.~~

~~(b) The basis for the bid amount must include the conservation organization's experience in similar activities, and details of the marketing plan.~~

TABLE 1  
RECOMMENDED MINIMUM PERMIT BID AMOUNT

Statewide Area  
Species

Rocky Mountain Bighorn (Ram)	\$30,000	\$20,000
Desert Bighorn (Ram)	30,000	20,000
Buck Deer	10,000	2,000
Bull Elk	10,000	4,000
Bull Moose	10,000	3,000
Bison (Hunter's Choice)	5,000	5,000
Rocky Mountain Goat (Hunter's Choice)	5,000	3,000
Buck Pronghorn	2,000	1,000

Black Bear 2,000-1,000  
Cougar 2,000-500  
Turkey 350-250

~~(5) An application which~~ is incomplete or completed incorrectly may be rejected.  
~~[(6)](5)~~ The application of a conservation organization for conservation permits may be denied for:

- (a) failing to fully report on the preceding year's conservation permits;
- (b) violating any provision of this rule, Title 23 of the Utah Code, Title R657 of the Utah Administrative Code, a division proclamation, or an order of the Wildlife Board; or
- (c) violating any other law that bears a reasonable relationship to the applicant's ability to responsibly and lawfully handle conservation permits pursuant to this rule.

**~~[(7) Conservation permits shall be awarded for one year, except as provided in Subsection (8).]~~**

**R657-41-6. Awarding Single Year Conservation Permits.**

~~[(8) Conservation organizations may apply for specific area conservation permits, which may be awarded for up to five consecutive years, provided the conservation organization meets the requirements provided in Subsection (a) for a multi-year permit.~~

~~(a)(i) the conservation organization must submit a bid for each multi-year area conservation permit requested and submit a specific project proposal for which the funds will be utilized;~~

~~(ii) the project must require more than one year of funding to complete;~~

~~(iii) the conservation organization must show the increased benefit to the division by the conservation organization carrying out the project;~~

~~(iv) the conservation organization must maintain each year a minimum performance standard, raising no less than 80% of the funds bid for each multi-year permit; and~~

~~(v) the conservation organization must report annually on the funds raised and expended, and the project activities accomplished.~~

~~(b) Conservation organizations failing to satisfy the performance standards in any given year during the multi-year period or reporting requirements shall lose the multi-year area conservation permit for the balance of the multi-year award period.~~

~~(c) Conservation organizations must submit a separate bid for each multi-year area conservation permit.~~

~~(d) Bids for multi-year area conservation permits shall be evaluated based on:~~

~~(i) an average annual benefit when compared to annual bids for permits; and~~

~~(ii) the requirements as provided in Subsection (9).~~

~~(e) Conservation organizations receiving multi-year permits shall handle permit revenue consistent with the requirements provided in Section R657-41-5(4) and (5).~~

~~(9)(1)~~ The division shall recommend the conservation organization to receive each ~~[of the]~~ single year conservation ~~[permits]~~ permit based on:

~~(a) [first,]~~ the bid amount pledged to the species, adjusted by:

~~(i)~~ the performance of the organization over the previous two years in meeting

proposed bids;

(ii) 90% of the bid amount;

(iii) the organizations maintaining a minimum two-year average performance of 70% to be eligible for consideration of permits. Performance of the organization is the proportion of the total revenue generated from permit sales, divided by 90% of the bid amount for all permits, calculated annually and averaged for the last two years.

(b) ~~{second,}~~ if two or more conservation organizations are tied using the criteria in Subsection (a), the closeness of the organization's purpose to the species of the permit; and

(c) ~~{third,}~~ if two or more conservation organizations are tied using the criteria in Subsection (a) and (b), the geographic closeness of the organization to the location of the permit.

~~{{(10)}(a)}~~(2)(a) Between the time the division recommends that a conservation permit be awarded to a conservation organization and the time the Wildlife Board approves that recommendation, a conservation organization may withdraw its application for any given permit or exchange its application with another conservation organization without penalty, provided the bid amount upon which the permit application was evaluated is not changed.

(b) If a conservation organization withdraws its bid and the bid is awarded to another organization at a lower amount, then the difference between the two bids will be subtracted from the organization making the higher bid for purposes of evaluating organization performance.

~~{{(11)}(3)}~~(3) The Wildlife Board shall make the final assignment of conservation permits at a meeting prior to December 1 annually.

~~{{(12)}(4)}~~(4) The Wildlife Board may authorize a conservation permit to a conservation organization, other than the conservation organization recommended by the division, after considering the:

(a) division recommendation;

(b) benefit to the species;

(c) historical contribution of the organization to the conservation of wildlife in Utah;

(d) previous performance of the conservation organization; and

(e) overall viability and integrity of the conservation permit program.

~~{{(13)}(5)}~~(5) The total of all bids for permits awarded to any one organization shall not exceed \$20,000 the first year an organization receives permits.

~~{{(14)}(6)}~~(6) The number of permits awarded to any one organization shall not increase by more than 100% from the previous year.

~~{{(15)}(7)}~~(7) If the Wildlife Board authorizes a second statewide conservation permit for a species, the conservation organization receiving the permit must meet the ~~{high}~~ division designated bid for that permit.

~~{{(16)}}~~

#### **R657-41-7. Awarding Multi-Year Conservation Permits.**

(1) Distribution of multi-year conservation permits will be based on a sequential selection process where each eligible conservation organization is assigned a position

or positions in the selection order among the other participating organizations and awarded credits with which to purchase multi-year permits at an assigned value. The selection process and other associated details are as follows.

(2) Multi-year permits will be awarded to eligible conservation organizations for no more than three years.

(3) The division will determine the number of permits available as multi-year permits after subtracting the proposed number of single year permits.

(a) Season types for multi-year area conservation permits for elk on any given hunt unit will be designated and assigned in the following order:

- (i) first permit -- premium;
- (ii) second permit -- any-weapon;
- (iii) third permit -- any-weapon;
- (iv) fourth permit -- archery;
- (v) fifth permit -- muzzleloader;
- (vi) sixth permit -- premium;
- (vii) seventh permit -- any-weapon; and
- (viii) eighth permit -- any-weapon.

(b) Season types for multi-year area conservation permits for deer on any given hunt unit will be designated and assigned in the following order:

- (i) first permit -- hunter choice of season;
- (ii) second permit -- hunter choice of season;
- (iii) third permit -- muzzleloader;
- (iv) fourth permit -- archery;
- (v) fifth permit -- any-weapon;
- (vi) sixth permit -- any-weapon;
- (vii) seventh permit -- muzzleloader; and
- (viii) eighth permit -- archery.

(4) The division will assign a monetary value to each multi-year permit based on the average return for the permit during the previous three year period. If a history is not available, the value will be estimated.

(5) The division will determine the total annual value of all multi-year permits.

(6) The division will calculate a market share for each eligible conservation organization applying for multi-year permits.

(a) Market share will be calculated and determined based on:

(i) the conservation organization's previous three years performance;  
(ii) all conservation permits (single and multi-year) issued to a conservation organization except for special permits allocated by the Wildlife Board outside the normal allocation process.

(iii) the percent of conservation permit revenue raised by a conservation organization during the three year period relative to all conservation permit revenue raised during the same period by all conservation organizations applying for multi-year permits.

(7) The division will determine the credits available to spend by each group in the selection process based on their market share multiplied by the total annual value of all multi-year permits.



(8) The division will establish a selection order for the participating conservation organizations based on the relative value of each groups market share as follows:

- (a) groups will be ordered based on their percent of market share;
- (b) each selection position will cost a group 10% of the total market share except the last selection by a group will cost whatever percent a group has remaining;
- (c) no group can have more than three positions in the selection order; and
- (d) the selection order will be established as follows:
  - (i) the group with the highest market share will be assigned the first position and ten percent will be subtracted from their total market share;
  - (ii) the group with the highest remaining market share will be assigned the second position and ten percent will be subtracted from their market share; and
  - (iii) this procedure will continue until all groups have three positions or their market share is exhausted.

(9) At least two weeks prior to the multi-year permit selection meeting, the division will provide each conservation organization applying for multi-year permits the following items:

- (a) a list of multi-year permits available with assigned value;
- (b) documentation of the calculation of market share;
- (c) credits available to each conservation group to use in the selection process;
- (d) the selection order; and
- (e) date, time and location of the selection meeting.

(10) Between the establishing of the selection order and the selection meeting, groups may trade or assign draw positions, but once the selection meeting begins draw order cannot be changed.

(11)(a) Two separate selections will be conducted at the selection meeting. The selection order starts over for each selection.

(b) Statewide conservation permit will be selected in the first selection, and area conservation permits will be selected in the second.

(12) At the selection meeting, conservation organizations will select permits from the available pool according to their respective positions in the selection order. For each permit selected, the value of that permit will be deducted from the conservation organization's available credits. The selection order will repeat itself until all available credits are used or all available permits are selected.

(13) Conservation organizations may continue to select a single permit each time their turn comes up in the selection order until all available credits are used or all available permits are selected.

(14) A conservation organization may not exceed its available credits except a group may select their last permit for up to 10% of the permit value above their remaining credits.

(15) Upon completion of the selection process, but prior to the Wildlife Board meeting where final assignment of permits are made, conservation organizations may trade or assign permits to other conservation organizations eligible to receive multi-year permits. The group receiving a permit retains the permit for the purposes of marketing and determination of market share for the entire multi-year period.

(16) Variances for an extended season or legal weapon choice may be obtained

only on area conservation permits and must be presented to the Wildlife Board prior final assignment of the permit to the conservation organization.

(17) Conservation organizations may not trade or transfer multi-year permits to other organizations once assigned by the Wildlife Board.

(18) Conservation organizations failing to comply with the reporting requirements in any given year during the multi-year period shall lose the multi-year conservation permits for the balance of the multi-year award period.

(19) If a conservation organization is unable to complete the terms of marketing the assigned permits, the permits will be returned to the regular public drawing process for the duration of the multi-year allocation period.

#### **R657-41-8. Distributing Conservation Permits.**

(1) The division and conservation organization receiving [the] permits shall enter into a contract.

[(17)(a)](2)(a) The conservation organization receiving permits must insure that the permits are marketed and distributed by lawful means. Conservation permits may not be distributed in a raffle except where the following conditions are met:

(i) the conservation organization obtains and provides the division with a written opinion from a licensed attorney or a written confirmation by the local district or county attorney that the raffle scheme is in compliance with state and local gambling laws;

(ii) except as otherwise provided in R657-41-8(5), the conservation organization does not repurchase, directly or indirectly, the right to any permit it distributes through the raffle;

(iii) the conservation organization prominently discloses in any advertisement for the raffle and at the location of the raffle that no purchase is necessary to participate; and

(iv) the conservation organization provides the division with a full accounting of any funds raised in the conservation permit raffle, and otherwise accounts for and handles the funds consistent with the requirement in Utah Admin. Code R657-41-9.

(3)[(b)] The conservation organization must:

(i) obtain the name of the proposed permit recipient at the event where the permit recipient is selected; and

(ii) notify the division of the proposed permit recipient within 10 days of the recipient selection or the permit may be forfeited.

[(e)](4) If a person is selected by a qualified organization to receive a conservation permit and is also successful in obtaining a permit for the same species in the same year through the [Bucks, Bulls and Once-In-A-Lifetime Drawing] a division drawing, that person may designate another person to receive the conservation permit, provided the conservation permit has not been issued by the division to the first selected person.

[(d)](5) If a person is selected by a qualified organization to receive a conservation permit, but is unable to use the permit, the conservation organization may designate another person to receive the permit provided:

[(i)](a) the conservation organization selects the new recipient of the permit;

[(ii)](b) the amount of money received by the division for the permit is not

decreased;

~~[(iii)]~~(c) the conservation organization relinquishes to the division and otherwise uses all proceeds generated from the ~~[redesignated]~~ re-designated permit, pursuant to the requirements provided in Section R657-41-~~5~~ 9;

~~[(iv)]~~(d) the conservation organization and the initial designated recipient of the permit, ~~[must]~~ sign an affidavit indicating the initial designated recipient is not profiting from transferring the right to the permit; and

~~[(v)]~~(e) the permit has not been issued by the division to the first designated person.

~~[(e)]~~(6) Except as otherwise provided under ~~[Subsection (e)]~~ Subsections (4) and ~~[(d)]~~(5), a person designated by a conservation organization as a recipient of a conservation permit, may not sell or transfer the rights to that designation to any other person. This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.

(7) A person cannot obtain more than one conservation permit for a single conservation permit species per year, except for:

(a) elk, provided no more than two permits are obtained where one or both are antlerless permits; and

(b) turkey.

#### **R657-41-9 [R657-41-5]. Conservation Permit Funds and Reporting.**

(1) All permits must be marketed by September 1, annually.

(2) Within 30 days of the last event, but no later than September 1 annually, the conservation organization must submit to the division:

(a) a final report on the distribution of permits;

(b) the total funds raised on each permit;

(c) the funds due to the division; and

~~[(e)]~~(d) a report on the status of each project funded in whole or in part with retained conservation permit revenue.

(3)(a) Permits shall not be issued until the permit fees are paid to the division.

(b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the 10% retained by the conservation organization as provided in Subsection (5)(a).

(4)(a) Conservation organizations shall remit to the division by September 1 of each year ~~[30%]~~ 45% of the total revenue generated by conservation permit sales in that year.

(b) The permit revenue payable to the division under Subsection (4)(a), excluding accrued interest, is the property of the division and may not be used by conservation organizations for projects or any other purpose.

(c) The permit revenue must be placed in a federally insured account promptly upon receipt and remain in the account until remitted to the division on or before September 1 of each year.

(d) The permit revenue payable to the division under this subsection shall not be used by the conservation organization as collateral or commingled in the same account

with the organization's operation and administration funds, so that the separate identity of the permit revenue is not lost.

(e) Failure to remit ~~{30%}~~ 45% of the total permit revenue to the Division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code, and may further disqualify the conservation organization from ~~{bidding-on}~~ obtaining any future conservation permits.

(5) A conservation organization may retain ~~{70%}~~ 55% of the revenue generated from the sale of conservation permits as follows:

(a) 10% of the revenue may be ~~{retained}~~ withheld and used by the conservation organization for administrative expenses.

(b) ~~{60%}~~ 45% of the revenue may be retained and used by the conservation organization only for eligible projects as provided in subsections (i) through ~~{(x)}~~ {(ix)}.

~~{(i) "Retained revenue" means 60% of the revenue raised by a conservation organizations from the sale of conservation permits which the organization retains for eligible projects under this subsection, excluding interest earned thereon.}~~

~~{(ii) Eligible}~~ {(i) eligible} projects include habitat improvement, habitat acquisition, transplants, targeted education efforts and other projects providing a substantial benefit to species of wildlife for which conservation permits are issued.

~~{(iii) Retained}~~ {(ii) retained} revenue shall not be committed to or expended on any eligible project without first obtaining the division director's written concurrence.

~~{(iv) Retained}~~ {(iii) retained} revenue shall not be used on any project that does not provide a substantial and direct benefit to conservation permit species located in Utah.

~~{(v) Cash}~~ {(iv) cash} donations to the Wildlife Habitat Account created under Section 23-19-43, ~~{division}~~ Division Species Enhancement Funds, or the Conservation Permit Fund shall be considered an eligible project and do not require the division director's approval, provided the donation is made with instructions that it be used for species of wildlife for which conservation permits are issued.

~~{(vi) Retained}~~ {(v) retained} revenue shall not be used on any project that is inconsistent with ~~{Division}~~ division policy, including feeding programs, depredation management, or predator control.

~~{(vii) Any revenue}~~ {(vi) retained revenue} under this subsection must be placed in a federally insured account. All interest revenue earned thereon may be retained and used by the conservation organization for administrative expenses.

~~{(viii) Retained}~~ {(vii) retained} revenue shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the retained revenue is not lost.

~~{(ix) Retained}~~ {(viii) retained} revenue must be completely expended on or committed to approved eligible projects by September 1, two years following the year in which the relevant conservation permits are awarded to the conservation organization by the Wildlife Board. Failure to commit or expend the retained revenue by the September 1 deadline will disqualify the conservation organization from ~~{bidding-on}~~ obtaining any future conservation permits until the unspent retained revenue is committed to an approved eligible project.

~~{(x) All}~~ {(ix) all} records and receipts for projects under this subsection must be

retained by the conservation organization for a period not less than five years, and shall be produced to the division for inspection upon request.

(6)(a) Conservation organizations accepting permits shall be subject to annual audits on project expenditures and conservation permit accounts.

(b) The division shall ~~[perform]~~ perform annual audits on project expenditures and conservation permit accounts.

#### **R657-41-[6] 10. Obtaining Sportsman Permits.**

(1) One sportsman permit is offered to residents through a drawing for each of the following species:

- (a) desert bighorn (ram);
- (b) bison (hunter's choice);
- (c) buck deer;
- (d) bull elk;
- (e)~~[(f)]~~ Rocky Mountain bighorn (ram)
- (f) Rocky Mountain goat (hunter's choice)
- (g) bull moose;
- (h) buck pronghorn;
- (i) black bear;
- (j) cougar; and~~[(k)]~~ sandhill crane; and~~[(l)]~~ wild turkey.

(2) The following information on sportsman permits is provided in the ~~[proclamation]~~ proclamations of the Wildlife Board for taking ~~[big-game]~~ protected wildlife:

- (a) hunt dates;
- (b) open units or hunt areas;
- (c) application procedures;
- (d) fees; and
- (e) deadlines.

#### **R657-41-[7] 11. Using a Conservation or Sportsman Permit.**

(1)(a) A conservation or sportsman permit allows the recipient to take only one individual of the species for which the permit is issued, except a statewide turkey conservation or sportsman permit allows the holder to take one Merriam's and one Rio Grand turkey.

(b) The species that may be taken shall be printed on the permit.

(c) The species may be taken in the area and during the season specified on the permit.

(d) The species may be taken only with the weapon specified on the permit.

(2) The recipient of a conservation or sportsman permit is subject to all of the provisions of Title 23, Wildlife Resources Code, and the rules and proclamations of the Wildlife Board for taking and pursuing wildlife.

(3) Bonus points shall not be awarded or utilized:

- (a) when applying for conservation or sportsman permits; or
- (b) in obtaining conservation or sportsman permits.

(4) Any person who has obtained a conservation or sportsman permit is subject to all waiting periods as provided in Rules R657-5, R657-6, R657-10 and R657-33.

**KEY:** wildlife, wildlife permits

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